

EL 97-012

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EL 97-012

DOCKET NO.

In the Matter of

IN THE MATTER OF THE FILING BY
NORTHWESTERN PUBLIC SERVICE
COMPANY AND DAKOTA ENERGY
COOPERATIVE, INC. FOR APPROVAL
OF ASSIGNMENT OF ELECTRIC
SERVICE

Public Utilities Commission of the State of South Dakota

DATE	MEMORANDA
6/11/97	Filed and Rocketed;
7/2/97	After hearing approval of assignment of Electric Service;
7/2/97	Rocket Closed.



Northwestern Public Service

600 Market Street W
Huron, SD 57350-1500
Telephone: (605) 353-7475
Facsimile: (605) 353-7631

EL 97-012

RECEIVED

JUN 11 1997

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Direct Dial No.: 605-353-7605
E-mail Address: sbachman@northwestern.com

June 10, 1997

Mr. William Bullard
Executive Director
South Dakota Public Utilities Commission
500 East Capitol
Pierre, SD 57501

Re: Northwestern - Dakota Energy Consent and Agreement for Electric Service in
Assigned Territory of Another Electric Supplier

Dear Mr. Bullard:

Northwestern Public Service Company ("Northwestern") and Dakota Energy Cooperative, Inc. ("Dakota Energy") have assigned electric service territories in the Holabird vicinity. Mr. Justin Pietz will be occupying his new residence at the site of an abandoned farm. This site is in Northwestern's assigned service territory, but Dakota Energy's electric line is located near this site. In order to service this new customer, Northwestern would have to build approximately one-half mile of electric line to reach this customer. Dakota Energy's electric line is in closer proximity to the new customer.

We have discussed this matter with Dakota Energy, and both companies have agreed that Dakota Energy should be the electric supplier to this residence. The enclosed agreement was prepared and signed by the two electric suppliers.

Pursuant to SDCL 49-34A-42 and 49-34A-55, before this agreement can become effective, the Commission should review and approve it. Both Northwestern and Dakota Energy are requesting that the Commission approve this agreement as the best way to serve the customer in order to avoid unnecessary duplication of facilities.

If you have any questions or comments, please contact me.

Sincerely,

Susan Anderson Bachman
Corporate Attorney and
Ass't Corporate Secretary

enclosures

CC: David Hinders
Robert Rademacher

CONSENT AND AGREEMENT FOR ELECTRIC SERVICE
IN
ASSIGNED TERRITORY OF ANOTHER ELECTRIC SUPPLIER

Northwestern Public Service Company ("Northwestern") and Dakota Energy Cooperative, Inc. ("Dakota Energy") are both electric suppliers in the Holabird vicinity in Hyde County, in the State of South Dakota and have assigned electric service territories in such Holabird vicinity pursuant to the laws of the South Dakota Public Utilities Commission (the "Commission"). By this Consent and Agreement, Northwestern hereby agrees to allow Dakota Energy to supply electric service in Northwestern's assigned electric service area, pursuant to the provisions of this Consent and Agreement.

The execution of this Consent and Agreement is made with the understanding and agreement that the land described herein shall remain a part of the assigned electric service area of Northwestern, and that by virtue of this Consent and Agreement, Dakota Energy does not acquire any assigned electric service area rights in any portion of the property, nor will Dakota Energy acquire any rights to provide electric service in the area or in any other area on the basis of the electric line construction allowed pursuant to this Consent and Agreement. Furthermore, this Consent and Agreement shall not be admissible in evidence before any court or commission, nor shall it constitute or establish at any time a precedent between Northwestern or Dakota Energy.

Northwestern consents to Dakota Energy providing service up to a maximum of 75 kw to a residence recently constructed and occupied by Justin Pietz or subsequent occupant and located at the following described property:

The Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of
Section Seven (S 7), Township 112 North, Range 73 West of the Fifth
P.M. in Hyde County, South Dakota,

as shown on the drawing attached as Exhibit A.

This Consent and Agreement is effective only after being approved by the Commission.

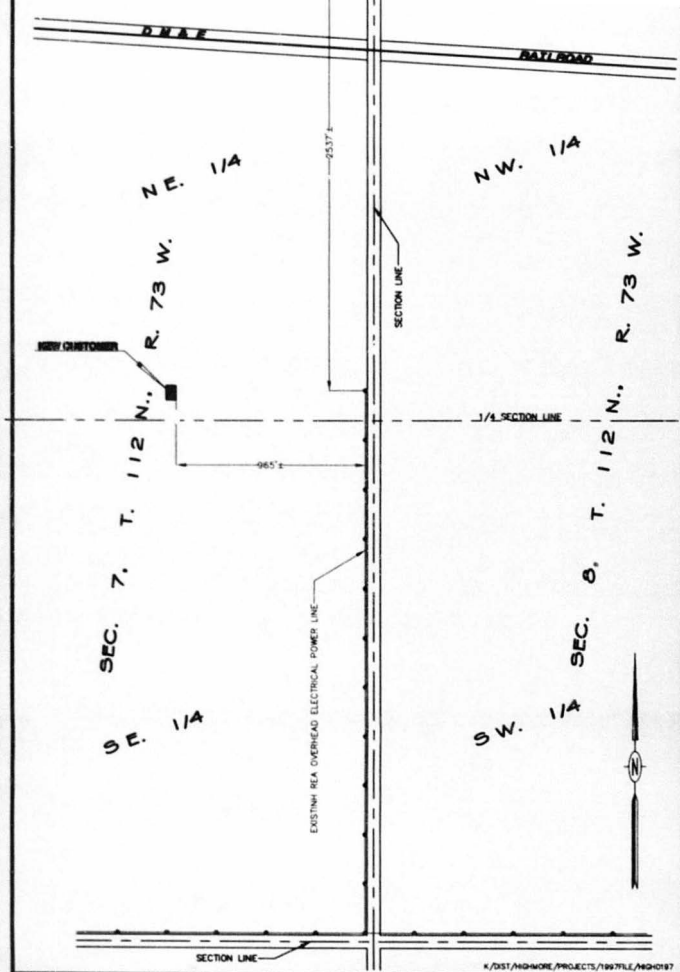
Date this 9th day of June, 1997.

NORTHWESTERN PUBLIC SERVICE COMPANY

By [Signature]
Title Manager Electric Cooperative

DAKOTA ENERGY COOPERATIVE, INC.

By [Signature]
Title Manager





Northwestern Public Service

600 Market Street W.
Huron, SD 57350-1500
Telephone: (605) 353-7478
Facsimile: (605) 353-7631

Direct Dial No.: 605-353-7605

E-mail Address: sbachman@northwestern.com

June 17, 1997

Ms. Tricia Zimmer
South Dakota Public Utilities Commission
State Capitol Building
500 East Capitol
Pierre, SD 57501

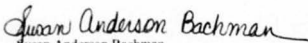
Re: Northwestern -- Dakota Energy Consent and Agreement for Electric Service in
Assigned Territory of Another Electric Supplier

Dear Ms. Zimmer:

Enclosed is a copy of a statement from Justin Pietz agreeing to allow Dakota Energy to
serve his new residence in rural Hyde County, South Dakota. You requested such
statement on June 13, 1997.

If you have further questions or concerns, please contact me. Best regards to you.

Sincerely,


Susan Anderson Bachman
Corporate Attorney and
Ass't Corporate Secretary

enclosures

CC: Robert Rademacher -- Dakota Energy Cooperative, Inc.

RECEIVED

JUN 18 1997

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

FAX Received JUN 17 1997

RECEIVED

JUN 17 1997

NWPS Co. Gen'l Office

June 16, 1997


To Whom It May Concern:

I will be moving to a new residence in rural Hyde County located at the following described property:

The Southeast Quarter (SE1/4) of the Northeast Quarter (NE 1/4) of Section Seven (S 7), Township 112 North, Range 73 West of the Fifth P.M. in Hyde County, South Dakota.

I agree that Dakota Energy Cooperative, Inc. (because of the close proximity of its electric line) will serve my residence even though this property is located in the assigned electric service territory of Northwestern Public Service Company.

Dated this 16 day of June, 1997.


Justin Pietz

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE FILING BY)	ORDER GRANTING
NORTHWESTERN PUBLIC SERVICE)	APPROVAL OF
COMPANY AND DAKOTA ENERGY)	ASSIGNMENT OF ELECTRIC
COOPERATIVE, INC. FOR APPROVAL OF)	SERVICE
ASSIGNMENT OF ELECTRIC SERVICE)	EL97-012

On June 11, 1997, the South Dakota Public Utilities Commission (Commission) received an agreement from Northwestern Public Service Company (Northwestern) and Dakota Energy Cooperative, Inc. (Dakota) for assignment of electric service territory in the Holabird vicinity. Mr. Justin Pietz will be occupying a new residence at the site of an abandoned farm. This site is in Northwestern's assigned service territory, but Dakota's electric line is located near this site. The agreement allows Dakota to provide service up to a maximum of 75 kw to a residence recently constructed and occupied by Mr. Pietz or subsequent occupant.

The location to be served by Dakota is described as:

The Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4) of Section 7, Township 112 North, Range 73 West of the Fifth P.M. in Hyde County, South Dakota.

At its regularly scheduled meeting of June 24, 1997, the Commission considered the matter. Commission Staff recommended approval of the agreement.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49-34A, specifically 49-34A-42 and 49-34A-55. Further, the Commission finds that the transfer of service rights is in the public interest and the request shall be granted. It is therefore

ORDERED that the request seeking approval of the assignment of service rights is hereby granted.

Dated at Pierre, South Dakota, this 2nd day of July, 1997.

CERTIFICATE OF SERVICE
<small>The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail in properly addressed envelopes, with charges prepaid thereon.</small>
By <u>Nelvin Kaelbo</u>
Date <u>7/3/97</u>
<small>(OFFICIAL SEAL)</small>

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner